S.B. CIVIL WRIT PETITION NO.4077/2005

Sunil Kumar vs. Civil Judge (JD), Bhilwara and others.

Date : 14.7.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. S Acharya, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order 10.5.2005 by which the petitioner's application for filing certain documents under Order 7 Rule 14 CPC was dismissed by the trial court.

According to learned counsel for the petitioner, the trial court has committed serious error in dismissing the application because the documents in question are relevant for the decision of the suit and the petitioner cannot be blamed for any delay in suit proceedings. The trial court without assigning any reasons dismissed the application of the petitioner.

I have considered the submissions of learned counsel for the petitioner.

It is clear from the fact that even the written statement was filed in the year 1978 and the suit is pending before the trial court before that. Learned counsel for the petitioner tried to point out that sufficient reasons have been given by the petitioner in his

application in detail, therefore, there was sufficient reason for allowing the application and the documents in question are relevant. It is also submitted that the documents are registered documents and there is no question of they being forged one.

In the facts and circumstances of the case, I feel that if the petitioner is aggrieved against the impugned order, he should challenge the same in appeal in case any occasion arises but this Court is not inclined to appreciate all the complicated facts for the purpose of assessing the controversy between the parties for which the impugned order has been passed by the trial court.

In view of the above, this writ petition, having no merit, is hereby dismissed. However, the petitioner will be free to challenge the impugned order in appeal in case any occasion arises for the petitioner to do so.

(PRAKASH TATIA), J.

S.Phophaliya